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NEWS RELEASE

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Ministry of Forests

DECISION ABOUT LOGGING IN SIWASH CREEK RELEASED

VICTORIA – A decision released today recommends against permitting logging in some areas near Hope that have been identified as important owl habitat.

South Island forest district manager Cindy Stern reviewed whether to allow Cattermole Timber to continue logging in its cutblocks in the Siwash Creek area. In her decision, she also recommended that harvesting be approved in other cutblocks under review.

On July 19, the Ministry of Forests agreed to the Western Canada Wilderness Committee's request for a judicial review of the Chilliwack forest district manager's decision to allow logging in cutblocks near spotted owl habitat. The B.C. Supreme Court ordered the new decision to be made by today.

In making her decision, Stern considered submissions from the Western Canada Wilderness Committee, the Ministry of Water, Land and Air Protection, the Chilliwack forest district and Cattermole Timber. As directed by the courts, her decision was based solely on Section 41(1) of the Forest Practices Code as it relates to the spotted owl.

Under Section 41(1) of the Forest Practices Code of the British Columbia Act, the district manager must approve an operational plan or amendment if it was prepared and submitted in accordance with the act, regulations and standards; and if the district manager is satisfied that the forest resources of the area will be adequately managed and conserved.

The decision and rationale is posted at http://www.for.gov.bc.ca/pab/news/rationale.pdf on the ministry Web site.

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Editors: Backgrounder attached

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BACKGROUNDER:
SUMMARY OF DECISION ABOUT LOGGING IN SPOTTED OWL HABITAT

Overview

A determination was made by the statutory decision-maker under the Forest Practices Code of British Columbia Act. To remove the possible perception of bias, the district manager, Chilliwack Forest District, removed himself from this process. Under Section 2(5) of the Ministry of Forests Act, the regional manager appointed Cindy Stern, the district manager of the South Island Forest District, to make the determination on the cutblocks.

The statutory decision-maker was asked to make her determination solely with respect to the spotted owl for an amendment to a previously approved forest development plan and for two proposed cutblocks in a new forest development plan.

Logging in the two cutblocks, 36-10A and 37, in the amended forest development plan was not approved. One cutblock (37-1) proposed for the new forest development plan was considered approvable; while the second larger cutblock (38-1) was not considered approvable.

This decision is consistent with the legislation and with the province's Spotted Owl Management Plan. The goal of this plan is to achieve a reasonable level of probability that owl populations will stabilize, and possibly improve, over the long term without significant short-term impacts on timber supply and forestry employment.

This decision reflects a cautious approach to development outside of protected areas, to minimize the risk that owl habitat will be reduced.

Cutblocks 36-10A and 37

The spotted owl is a forest resource that must be considered under Section 41(1)(b) of the Forest Practices Code; that is, the proposed development must adequately manage and conserve the forest resource.

Cutblock 37 is approximately 475 hectares and is located in a special resource management zone considered to be superior, or "Type A," habitat for spotted owls. The proposed harvest system is new to this district and is untested with respect to impact on owl habitat. The block was not considered approvable because it was deemed to be a high risk in a large area known to be used by spotted owls, and was considered to be high quality owl habitat.

Cutblock 36-10A is in the Siwash matrix activity centre, and is made up of two separate portions. The Spotted Owl Management Plan states that while no special forest practices are required in matrix activity centres, the harvesting system must attempt to maintain spotted owls for as long as possible. Harvesting had started on the east portion of this cutblock, but was stopped prior to the judicial review. (Matrix activity centres are areas of known spotted owl habitat located outside of special resource management zones and protected areas.)

In 1998 the then Ministry of Environment, Lands and Parks directed licensees to plan spatial pattern of cutblocks based on three concentric areas delineated within each matrix activity centre, focused around the critical nest site or area of high use. Cutblock 36-10A is partially within the middle and outer circles of the Siwash matrix activity centre.

Detection maps provided to the statutory decision-maker by the Ministry of Water, Land and Air Protection show there has been continuous use of the area within cutblock 36-10A by spotted owls. The cutblock is also within a connecting corridor between two large areas of Type A habitat. These corridors provide protection to spotted owls as they move from area to area.

Since the area provides a corridor between two large areas of Type A habitat, and since there is evidence of continuous use by spotted owls it was determined that harvesting the cutblock poses a high risk to spotted owl populations. The cutblock did not meet the test for approval under Section 41(1)(b), which requires that resources be adequately managed and conserved.

Given that the eastern portion of the cutblock was already partially felled and that the remaining timber is no longer valuable spotted owl habitat, the statutory decision-maker recommended that harvesting be completed in the eastern portion. She recommended that the western portion remain untouched.

New Forest Development Plan 2001-2005, Cutblocks 37-1 and 38-1 Cattermole Timber submitted a new forest development plan for 2001-2005, which included cutblocks 37-1 and 38-1. These two cutblocks essentially cover the same area as cutblock 37 in the amendment.

The area's resource management plan expects the use of adaptive management processes and that all parties need to seek out and implement a wide range of biologically plausible and economically possible management practices.

Cutblock 37-1 is 88 ha, which is considerably smaller than cutblock 37 in the amendment (475 ha). The determination is that cutblock 37-1 is approvable on the basis that the harvest system generally follows a strategy outlined in the resource management plan, and provides an opportunity to try a management approach that can be monitored and adapted, therefore adequately managing and conserving the resource.

Cutblock 38-1 is 387 hectares and comprises Type A habitat, has a nest site (detected in 1991) and provides a corridor for spotted owls. The determination is that applying an untested technique in this large area poses a high risk to spotted owls. Cutblock 38-1 is considered not approvable.

Experience gained by monitoring harvesting of cutblock 37-1 will provide more information for planning and review of future harvesting proposals for cutblock 38-1.

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